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July 3, 2003

To: Supervisor Yvonne Brathwaite Burke, Chair  
Supervisor Gloria Molina  
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Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: David E. Janssen  
Chief Administrative Officer

**MOTION TO SUPPORT AB 458 (CHU) RELATED TO FOSTER CHILDREN RIGHTS  
(ITEM NO. 7, AGENDA OF JULY 8, 2003)**

Item Number 7 on the July 8, 2003 agenda is a motion by Supervisor Yaroslavsky to support AB 458 (Chu) and instruct the County's Sacramento advocates to support this legislation relating to the rights of foster children.

SCR 17 (Watson) of 1997 acknowledged the "Foster Youth Bill of Rights" written by the California Youth Connection. Those rights included the right to live in a safe, healthy, and comfortable home where the child is treated with respect; the right to be free from physical, sexual, emotional, or other abuse; the right to receive adequate and healthy food and adequate clothing; and the right to attend religious services and activities of his or her choice. The Board voted to support SCR 17 at the February 11, 1997 meeting. These rights were eventually codified in legislation passed in 2002.

AB 458 would add to the existing rights of foster children the right to fair and equal access to all available services, placement, care, treatment, and benefits, and protection from discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status. In addition, the

bill stipulates that persons providing care and services to foster children have the same rights listed above. AB 458 includes training on the expanded rights of foster children within the existing training required for licensed foster parents, relative caregivers, group home administrators, and licensing staff.

County Counsel indicates that federal civil rights laws and the Americans with Disabilities Act currently protect the rights also protected by AB 458, and since the bill does not suggest a specific remedy to discrimination, the County's exposure to liability as a result of this legislation is minimal.

The Department of Children and Family Services (DCFS) indicates that their Children's Social Workers are already required to counsel children in out of home care regarding their rights every six months and are also required to inform prospective relative and non-related extended family members of the rights of children in placement. DCFS indicates that should AB 458 become law, they would need to update their training modules and potentially amend their contracts with providers to include additional language regarding the rights of foster children. They do not anticipate that these changes will be difficult to make. **Therefore, DCFS recommends that the County support AB 458 because of its protection to children and their caregivers from the harm caused by discrimination, and we concur.** Support for AB 458 is consistent with previous Board action to support SCR 17.

AB 458 is sponsored by the National Association of Social Workers and supported by a host of entities, including: the Alliance for Children's Rights; American Civil Liberties Union; Children's Advocacy Institute; Gay and Lesbian Center, Los Angeles; Children's Law Center of Los Angeles; and National Center for Lesbian Rights. Supporters indicate that the rights of foster children expressed in the Foster Youth Bill of Rights do not currently specify the right to be free from discrimination and this measure seeks to codify protections for foster children and their caregivers against discrimination and harassment, and incorporate their rights into existing training modules for care providers.

AB 458 is opposed by: the Campaign for California Families; Committee on Moral Concerns; Concerned Women for America; Traditional Values Coalition; and Waste Watchers Inc. Opponents of the bill are generally opposed to homosexuality and argue that the bill would encourage the perpetuation of a harmful lifestyle upon many foster youth and make it mandatory for foster parents and group home staff to facilitate homosexual conduct with any foster youth who is sexually confused. Opponents also argue that these requirements will drive some foster parents out of the system, who otherwise would have provided safe, stable homes for some kids.

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AB 458 passed the Assembly Floor on May 12, 2003 by a partisan vote of 46 to 31 and passed the Senate Health and Human Services Committee on June 18, 2003 by a partisan vote of 8 to 3. AB 458 is currently in the Senate Appropriations Committee awaiting a hearing date.

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MAL:EW:ib

c:     Executive Officer, Board of Supervisors  
         County Counsel  
         Department of Children and Family Services